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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,109	07/08/2003	Carolyn Easley	4314P2666	1684
23504	7590	04/07/2004	EXAMINER	
WEISS & MOY PC 4204 NORTH BROWN AVENUE SCOTTSDALE, AZ 85251			LEE, Y MY QUACH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/616,109	Applicant(s) EASLEY, CAROLYN	
	Examiner Y Quach Lee	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/8/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the reference sign for the second end of the clasp member (28) as mentioned in the description. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature of “the flap member” as claimed in claims 1 and 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to provide an enabling disclosure of the invention. For instant, on page 3, line 3 and page 6, lines 18 to 19, it is not clear what is “the second end of the clasp member 28” referred to with respect to the drawings? It is also not clear how can the magnetic contact 16B be coupled to the second end of the clasp member? In view of drawing figures 1 and 2, the first magnetic contact 16A is connected to the rim of the first end (left end rim) of the main storage area with the clasp member 28 connected to the rim of the first end of the main storage area also while the second magnetic contact 16B is connected to the rim of the second end (right end rim) of the main storage area. The drawings do not show the reference numerals that indicate which end is the first end of the clasp member (28) and which end is the second end of the clasp member (28). Note also that the definition of the term “end” is defined as the part of an area that lies at the boundary, a point that marks the extent of something, the point where something cease to exist,

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the extreme or last part lengthwise and Numeral representations of the first end and the second end of the clasp member in the drawings are required to clarify the coupling between the second magnetic contact and the second end of the clasp member.

Claim Objections

4. Claims 1 to 10 are objected to because of the following formalities: In claims 1 and 7, there is no clear antecedent basis for “the flap member”. It is suggested that this term “the flap member” should be changed to --the main storage area--. In view of drawing figures 1 and 3, the housing (24) is coupled to the main storage area, there is no flap member shown in both the specification and the drawings. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 1 to 10 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Note the reason set forth in the above objection to the specification.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Castaldo (3,239,658).

Castaldo shows a purse (10) comprising a main storage area (figure 6), a clasp member (figures 1 and 6) having a first end (one end) coupled to one end (the right end) of the storage area and a second end (the opposite end) coupled to a second end (the left end) of the storage area for opening and closing the storage area, a lighting device comprising a power supply (22), a light element (20) coupled to the power supply, a housing (19) coupled to the main storage area to hold the power supply and the light element, a magnetic switch (28) coupled to the clasp member and which automatically causes the lighting device to activate when the clasp member is opened, a first magnetic connector (32, 33) coupled to the first end of the clasp member, and a second magnetic connector (30) coupled to the second end of the clasp member.

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Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castaldo (3,239,658) in view of Branaugh et al. (prior art cited by applicant).

Castaldo discloses a single strap (figure 1) coupled to the main storage area for allowing the user to carry the purse as opposed to carrying straps as claimed.

Branaugh et al. teach carrying straps (54) coupled to the main storage area for allowing the user to carry the purse.

It would have been obvious to one skilled in the art to provide the main storage area of Castaldo with carrying straps, as shown by Branaugh et al., for allowing the user to securely carry the purse.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Castaldo (3,239,658) in view of Branaugh et al. (prior art cited by applicant).

Castaldo discloses the invention substantially as claimed with the exception of having a plurality of compartment areas coupled to the main storage area.

Branaugh et al. teach a plurality of compartment areas (column 2, lines 58 to 61 and column 3, lines 55 to 58) coupled to the main storage area within the purse to retain different objects.

It would have been obvious to one skilled in the art to provide the main storage area of Castaldo with a plurality of compartment areas, as shown by Branaugh et al., for organizing and retaining different objects.

11. Claims 5, 6, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castaldo (3,239,658).

Castaldo discloses the invention substantially as claimed with the exception of having the battery and the light element flat. Note that to have the battery and light element flat would have been an obvious matter of design choice, since such a modification would have involved a mere

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change in the size and shape of a component, which provides no unusual, unobvious, and/or unexpected result and is therefore deemed to fall within the purview of an ordinary engineering design technique to use a flat battery and a flat bulb for occupying a small volume within the purse by reason of efficient use of space within the purse.

12. Claims 1 to 4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Branaugh et al. (prior art cited by applicant) in view of Castaldo (3,239,658).

Branaugh et al. disclose a purse (20, 50) comprising a main storage area (22, 52), a clasp member (30, 32, 58, 60) having a first end coupled to one end of the storage area and a second end coupled to a second end of the storage area for opening and closing the storage area, a lighting device comprising a power supply (14), a light element (12) coupled to the power supply, a housing (24, 40) coupled to the main storage area to hold the power supply and the light element, a switch (16) coupled to the clasp member and which automatically causes the lighting device to activate when the clasp member is opened, carrying straps (54) coupled to the storage area for allowing the user to carry the purse, and a plurality of compartment areas (column 2, lines 58 to 61 and column 3, lines 55 to 58) coupled to the storage area. However, Branaugh et al. do not disclose that the switch is a magnetic switch and that the magnetic switch comprising a first magnetic connector coupled to the first end of the clasp member, and a second magnetic connector coupled to the second end of the clasp member.

Castaldo discloses a magnetic switch (28) coupled to the clasp member and which automatically causes the lighting device to activate when the clasp member is opened, a first magnetic connector (32, 33) coupled to the first end of the clasp member, and a second magnetic connector (30) coupled to the second end of the clasp member.

It would have been obvious to one skilled in the art to provide the switch of Branaugh et al. with the magnetic switch, as shown by Castaldo, for not only because of both Branaugh et al. and Castaldo are directed to an automatic switching purse light but also because of its light weight without having excess parts so as to not create any additional load to the purse and the advantages of not interfered with by items in the purse to prevent the illumination from turning on/or off.

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13. Claims 5, 6, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Branaugh et al. (prior art cited by applicant) in view of Castaldo (3,239,658) as applied to claims 1 and 7 above.

Branaugh et al., as modified by Castaldo, disclose the invention substantially as claimed with the exception of having the battery and the light element flat. Note that to have the battery and light element flat would have been an obvious matter of design choice, since such a modification would have involved a mere change in the size and shape of a component, which provides no unusual, unobvious, and/or unexpected result and is therefore deemed to fall within the purview of an ordinary engineering design technique to use a flat battery and a flat bulb for occupying a small volume within the purse by reason of efficient use of space within the purse.

Conclusion


14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Castaldo, Weigert and Mantle et al. are cited to show other pertinent magnetic switches of the containers or the purses having first magnetic connectors and second magnetic connectors for automatically activating the light devices on or off.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.
April 1, 2004


Y Quach Lee
Patent Examiner
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